

1 Scott Sagaria (State Bar No.217981)  
sjsagaria@sagarialaw.com  
2 Elliot Gale (State Bar No. 263326)  
egale@sagarialaw.com  
3 Joe Angelo (State Bar No. 268542)  
jangelo@sagarialaw.com  
4 SAGARIA LAW, P.C.  
3017 Douglas Blvd., Ste. 200  
5 Roseville, California 95661  
Telephone: (408) 279-2288  
6 Facsimile: (408) 279-2299

Attorneys for Plaintiff  
Wanda Pepin

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA — SAN JOSE DIVISION**

WANDA PEPIN.

**Plaintiff.**

VS

CAPITAL ONE, N.A.; et al.,

#### Defendants.

Case No.: 5:17-CV-05407-LHK  
*Assigned to the Honorable Lucy H. Koh*

**STIPULATED REQUEST FOR  
DISMISSAL OF DEFENDANT  
CAPITAL ONE BANK (USA), N.A.;  
[PROPOSED] ORDER**

1

2 **TO THE COURT, CLERK OF COURT, AND ALL PARTIES:**

3

4 **IT IS HEREBY STIPULATED** by and between plaintiff Wanda Pepin and  
5 defendant Capital One Bank (USA), N.A. (“Capital One”), that Capital One be  
6 dismissed from this action with prejudice pursuant to Federal Rules of Civil  
7 Procedure, Rule 41(a)(2), and that each party shall bear its own attorneys’ fees and  
8 costs.

9

DATED: March 6, 2018

**SAGARIA LAW, P.C.**

10

By: /s/ Elliot W. Gale

11

Elliot W. Gale

12

Attorneys for Plaintiff

13

Nick Rushing

14

DATED: March 6, 2018

**DOLL AMIR & ELEY LLP**

15

16

By: /s/ Chelsea Diaz

17

Chelsea Diaz

18

Attorneys for Defendant

19

Capital One Bank (USA), N.A.

20

I, Elliot Gale, am the ECF user whose identification and password are being  
used to file this Stipulation. I hereby attest that Chelsea Diaz has concurred in this  
filing.

21

/s/ Elliot Gale

22

23

24

25

26

27

28

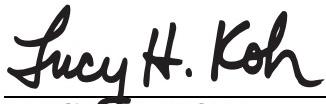
1                   **[PROPOSED] ORDER**

2                   Pursuant to the stipulation of the Parties, Capital One Bank (USA), N.A. is  
3 dismissed with prejudice and each party shall bear its own attorneys' fees and costs.  
4 The Clerk shall close the file.

5                   IT IS SO ORDERED.

6  
7 DATED: March 6, 2018

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

10                     
11                   \_\_\_\_\_  
12                   LUCY H. KOH  
13                   UNITED STATES DISTRICT JUDGE